IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 5902 of 2005(C)

AGAINST THE ORDER IN EP.57/04 IN
OS.54/2003 of PRL.M.C.,IRINJALAKUDA
.....

PETITIONERS:
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1. **JOSE S/O. DEVASSYA,**
   CHAKKACHAM PARAMBIL HOUSE, KOOTHU PARAMBU DESOM,
   IRINJALAKUDA VILLAGE, MUKUNDAPURAM TALUK.

2. **ANTONY S/O. ITTIYARA,**
   PARAPPULLY HOUSE, KADUPPASSERY DESOM,
   MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT:

THE SYNDICATE CHITS FUNDS LTD.,
IRINJALAKUDA, MUKUNDAPURAM TALUK.

BY ADV. SRI.NIDHI BALACHANDRAN
SRI.T.K.MADHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.5902/2005 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE EXECUTION PETITON IN E.P.57/2004 IN O.S.54/2003 OF MUNSIFF COURT, IRINJALAKUDA.**

EXT.P2: **COPY OF THE OBJECTION DTD. 1/02/2005 IN E.P.57/04 IN OS.54/2003 OF MUNSIFF COURT, IRINJALAKUDA.**

EXT.P3; **COPY OF THE RECEIPT DTD. 1/02/2005 IN E.P.57/2004 IN O.S.54/2003 OF MUNSIFF COURT, IRINJALAKUDA.**

/TRUE COPY/

KSS

M.N. KRISHNAN, J.

WP(C)No.5902 OF 2005 C

Dated this the 4th June, 2007.

JUDGMENT

This writ petition is filed seeking for a direction to recall the arrest warrant in E.P.57/04 on the file of the Munsiff Court, Irinjalakuda. There is also a prayer to grant twenty instalment facilities to wipe off the decree debt. Decree holder also represented. As per the directions of this Court an amount of Rs.5,000/- had been paid and I find, on an earlier occasion i.e on 1.2.2005 an amount of Rs.2,500/- is paid. Now, learned counsel for the writ petitioner would submit that if some instalment facilities are given his client will wipe off the liability.

2. After hearing learned counsel for the decree holder, I feel some time can be granted to the writ petitioner to wipe off the liability by permitting him to pay the amount in four instalments. Therefore, the writ petition is disposed of as follows:

i) The writ petitioner is directed to pay the actual balance amount due in four equal monthly instalments commencing from 1st July 2007.

ii) If the writ petitioner commits default of payment of any of the instalments, the decree holder will be at

liberty to proceed against the petitioners for arrest and detention in civil prison for realisation of the decree amount. In order to enable the writ petitioners to pay the amount the order of arrest shall not be executed if there is compliance of this order.

M.N.KRISHNAN
Judge

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